

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL MITCHELL, ROBIN BALL, LUKE
RETTMER, ARMEN TOOLOEE,
NATHANIEL CASEY, MATTHEW WALD,
SECOND AMENDMENT FOUNDATION, and
NATIONAL RIFLE ASSOCIATION,

Plaintiff,

vs.

CHUCK ATKINS, in his official capacity as
the Sheriff of Clark County, Washington,
CRAIG MEIDL, in his official capacity as the
Chief of Police of Spokane, Washington, and
TERESA BERNTSEN, in her official capacity
as the Director of the Washington State
Department of Licensing

Defendants.

No. 3:19-cv-5106

DECLARATION OF MATTHEW C.
ALBRECHT IN SUPPORT OF
PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION TO
EXCLUDE EXPERT TESTIMONY OF
SHERIFF OZZIE. KNEZOVICH

I, Matthew C. Albrecht, hereby declare under oath and penalty of perjury under
the laws of Washington State:

1. I am one of the attorneys for the Plaintiff in this case. I am competent to
be a witness and all statements contained in this declaration are based on personal
knowledge.

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1 2. We did not receive Mr. Jones' email demanding a conference relating to
2 his planned motion to exclude Sheriff Knezovich until late afternoon of Friday, March 6,
3 during a time our team was engaged in final work on our motion for summary judgment
4 and many other pressing matters. Nonetheless, I responded to Mr. Jones before 8 a.m.
5 the next day, Saturday, March 7th, explaining the scheduling conflicts and offering to
6 follow up by the following Thursday. Mr. Jones then objected and claimed his email
7 demanded immediate attention, so I reviewed our email correspondence as he requested.
8 In doing so, I confirmed what I had previously believed to be the case, that emails
9 between our office and Sheriff Knezovich fell within the privileged communications
10 categories described by FRCP 26(b)(3)(A) and (b) and FRCP 26(b)(4)(B) and (C) and
11 none were discoverable. ECF 78-2, pp. 255-56 (attached to ECF 78, Decl. of Zachary P.
12 Jones) is a copy of the letter dated March 9, 2020 that I sent to Mr. Jones to promptly
13 advise him of that fact.

14 3. Between November 4, 2019 and December 18, 2019, five emails were
15 exchanged all of which related to logistics for a meeting, follow up to that meeting,
16 Knezovich's draft report, background and expertise of Knezovich, and case deadlines.
17 On January 9, 2020, DeWolf and Knezovich emailed relating to the scheduling of the
18 deposition the Defendants had requested. On Sunday, February 2, 2020, Knezovich
19 emailed a .zip file to DeWolf containing the records which were then indexed and printed
20 on Monday February 3, 2020, then provided to Defendants' counsel on February 4, 2020
21 prior to the Knezovich deposition.

22 4. None of these emails included discussion of compensation, facts or data
23 being provided from the attorney to the expert for his consideration of forming any
24 opinion, or any assumptions provided to the expert to be relied upon in forming any
25 opinions.

26 5. Exhibit A to this Declaration are true and correct excerpts from the
27 transcript of the Deposition of Ozzie Knezovich on February 4, 2020. The most relevant

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ALBRECHT LAW PLLC

421 W Riverside Ave, STE 614
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1 sections cited in Plaintiffs' brief have been emphasized for the Court's convenience with
2 underlining.

3
4 DATED March 23, 2020

5 ALBRECHT LAW PLLC
6 Attorneys for Plaintiff

7
8 /s/ Matthew C. Albrecht

9 Matthew C. Albrecht, WSBA #36801
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CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury under the laws of the United States, that on this date I electronically mailed the foregoing document upon the following:

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Signed at Spokane, Washington on March 23, 2020.

/s/ Melanie A. Evans
Melanie A. Evans, Paralegal

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